

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THE TRUSTEES OF THE CHICAGO REGIONAL	)	
COUNCIL OF CARPENTERS MILLMEN	)	
PENSION FUND,	)	
	)	
Plaintiffs,	)	Case No.
	)	
v.	)	
	)	
MG DESIGN ASSOCIATES CORP.	)	
	)	
Defendant.	)	

**COMPLAINT**

The Trustees of the Chicago Regional Council of Carpenters Millmen Pension Fund (hereinafter “Plaintiffs”), by and through their attorney Travis J. Ketterman of McGann Ketterman & Rioux, Ltd., complaining against MG Design Associates Corp. and allege as follows:

1. This action arises under the laws of the United States and is brought pursuant to the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1001, et seq. (1982). Jurisdiction is based upon the existence of questions arising thereunder. This Court has jurisdiction over this action under Sections 502(e), 502(f), and 4301(c), of ERISA, 29 U.S.C. § 1132(e), 1132(f), 1451(c).

2. Venue is appropriate in this Court pursuant to ERISA, 29 U.S.C. §§ 1132(e), 1451(d).

3. Plaintiffs bring this action in their capacity as Trustees of Chicago Regional Council of Carpenters Millmen Pension Fund, which is a “pension plan,” within the meaning of ERISA, 29 U.S.C. § 1002(2). The Plaintiffs are the now-acting

fiduciaries. The Pension Fund is administered within this District, at 12 East Erie Street in Chicago, Illinois. Pursuant to Sections 502(a)(3) and 4301(a)(1) of ERISA, 29 U.S.C. §§ 1132(a)(3) and 1451(a)(1), the Trustees are authorized to bring this action on behalf of the Pension Fund, its participants and beneficiaries for the purpose of collecting withdrawal liability.

4. The Defendant is an Illinois corporation with its principal place of business located in the State of Illinois. Defendant is an “employer” and a “party-in-interest” as those terms are defined by, respectively, Sections 3(5), 14(c) of ERISA, 29 U.S.C. §1002(5) and 1002(14)(c).

5. Defendant MG Design Associates Corp. was subject to collective bargaining agreements executed between itself and Chicago Regional Council of Carpenters, under which it was required to make contributions to the Pension Fund on behalf of certain of its employees.

6. On July 9, 2018, Defendant MG Design Associates Corp. permanently ceased having an obligation to contribute to the Pension Fund thereby effecting a “complete withdrawal” as defined in Section 4203 of ERISA, 29 U.S.C. §1383.

7. As a result of this complete withdrawal, Defendant MG Design Associates Corp. incurred withdrawal liability to the Pension Fund in the amount of \$877,098.00 as determined under Section 4201(b) of ERISA, 29 U.S.C. §1381(b).

8. On or about March 5, 2019, Defendant MG Design Associates Corp. received a notice and demand for payment of withdrawal liability issued by the Pension Fund in accordance with Sections 4202(2) and 4219(b)(1) of ERISA, 29 U.S.C. §1382(2) and 1399(b)(1).

9. Defendant MG Design Associates Corp. did not timely initiate arbitration pursuant to Section 4221(a)(1) of ERISA, 29 U.S.C. §1401(1). Consequently, the withdrawal liability amount demanded by the Pension Fund is due and owing pursuant to Section 4221(b)(1) of ERISA, 29 U.S.C. §1401(b)(1).

10. Defendant MG Design Associates Corp. has failed to make the withdrawal liability payments to the Plaintiff and is in default within the meaning of Section 4219(2)(5) of ERISA, 29 U.S.C. §1399(2)(5).

11. Defendant MG Design Associates Corp. is liable for the full withdrawal liability incurred in the amount of \$877,098.00.

WHEREFORE, Plaintiffs, the Trustees of the Chicago Regional Council of Carpenters Millmen Pension Fund, request the following relief:

A. A judgment against Defendant MG Design Associates Corp. pursuant to Section 502(g) of ERISA, 29 U.S.C. §1132(g)(2), for:

- (a) \$877,098.00 in withdrawal liability;
- (b) interest on the entire amount of the withdrawal liability assessment;
- (c) an amount equal to the greater of the interest on the withdrawal liability or liquidated damages of twenty percent (20%) of the unpaid withdrawal liability; and
- (d) attorneys' fees and costs.

B. That this Court retain jurisdiction of this cause pending compliance with its orders; and

C. For such other or different relief as this Court may deem proper and just.

CHICAGO REGIONAL COUNCIL OF  
CARPENTERS MILLMEN PENSION FUND,

s/Travis J. Kettermann  
By: \_\_\_\_\_  
Travis J. Kettermann

Travis J. Kettermann  
Attorney for Plaintiffs  
McGann Kettermann & Rioux, Ltd.  
111 East Wacker Drive, Suite 2600  
Chicago, Illinois 60601  
(312) 251-9700  
tkettermann@mkrlaborlaw.com  
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